



INTERIOR BOARD OF INDIAN APPEALS

Ursula Simon v. Acting Sacramento Area Director, Bureau of Indian Affairs

27 IBIA 101 (01/03/1995)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

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|------------------------|---|--------------------------------|
| URSULA SIMON, | : | Order Docketing and Dismissing |
| Appellant | : | Appeal |
| | : | |
| v. | : | |
| | : | Docket No. IBIA 95-59-A |
| ACTING SACRAMENTO AREA | : | |
| DIRECTOR, BUREAU OF | : | |
| INDIAN AFFAIRS, | : | |
| Appellee | : | January 3, 1995 |

This is an appeal from a November 21, 1994, decision of the Acting Sacramento Area Director, Bureau of Indian Affairs, dismissing an appeal filed by Lydia Knight. Knight's appeal, which concerned an election dispute in the Middletown Rancheria, was dismissed for lack of standing.

Citing the Board's decisions in Sundberg v. Acting Sacramento Area Director, 18 IBIA 207, 210 (1990) and Frease v. Sacramento Area Director, 17 IBIA 250, 256 (1989), the Area Director determined that Knight lacked standing to appeal a Superintendent's decision recognizing the results of a March 26, 1994, election because she was not a candidate for election, not a member of the election board, and not a member of the tribal council. The Area Director also stated that the election dispute was an internal tribal matter which should be resolved within the tribe.

Appellant now seeks to appeal the dismissal of Knight's appeal, stating that she is a member of the tribe and that the Area Director's decision affects her and the tribe. It appears likely that appellant would have standing problems here even if she were appealing a decision on the merits. However, she is attempting to appeal a decision concerning the standing of another individual. The Area Director's decision concerning Knight's standing was personal to Knight. The Board finds that, in the circumstances here, appellant lacks standing to appeal a decision concerning the standing of another tribal member.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is docketed and dismissed for lack of standing. ^{1/}

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge

^{1/} It is apparent from appellant's notice of appeal that she seeks to persuade the Board to address the merits of the election dispute. Even if the Board were to accept this appeal, however, it would not reach that issue. The only matter at issue would be the standing of Knight to challenge the Superintendent's decision.